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08 UNITED STATES DISTRICT COURT
09 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 UNITED STATES OF AMERICA,)
12 Plaintiff,)
13 v.)
14 BRUCE ARPIN,) ORDER DENYING STIPULATED
15 Defendant.) MOTION TO EXTEND TIME
16)

17 On June 24, 2005, the parties to the above-captioned matter filed a Stipulated Motion
18 Continuing the Time to Seek Indictment from June 24, 2005, until July 20, 2005. Dkt. No. 12.
19 The Court was provided with a proposed order stating that the “ends of justice” outweigh the
20 best interests of the public and the defendant in a speedy indictment. Dkt. No. 13. The
21 proposed Order suggests that there are novel questions of fact or law, a suggestion not
22 supported by the record.

23 Congress “did not intend the ‘ends of justice’ exclusion to be granted as a matter of
24 course but rather [intended it] to be used sparingly and only when necessary.” *United States v.*
25 *Lewis*, 980 F.2d 555, 560 (9th Cir. 1992) (internal citations omitted). Hence, an “ends of

01 justice" exclusion may be granted only for a specific duration when "justified by the record
02 with reference to the facts." *United States v. Ramirez-Cortez*, 213 F.3d 1149, 1154 (9th Cir.
03 1999) (internal citations and punctuation omitted). Generalized assertions that the "ends of
04 justice" will be satisfied by the granting of a continuance are insufficient. *Id.* at 1154-55.
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06 Here, the parties have provided no evidence, nor adduced any facts from the record
07 sufficient to justify granting a continuance. Rather, the stipulation appears to be a boilerplate
08 stipulation that is very similar to a stipulation previously filed to extend the time for an
09 indictment from May 23, 2005, to June 20, 2005. Dkt. Nos. 9, 10. The only substantive
10 difference appears to be the elimination of Mr. Arpin's participation in an inpatient substance-
11 abuse program.
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13 The reasons proffered by the parties are insufficient to justify a continuance.
14 Moreover, an ongoing plea agreement negotiation is not a factor sufficient for this Court to
15 find that granting a continuance will satisfy the "ends of justice." *Id.* at 1155-56 (citing *United*
16 *States v. Perez-Reveles*, 715 F.2d 1348, 1352 (9th Cir. 1983)). The parties' motion is
17 therefore DENIED.
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19 DATED this 27th day of June, 2005.

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21 JAMES P. DONOHUE
22 United States Magistrate Judge
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